

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

NATHANIEL CLAYBROOKS and )  
CHRISTOPHER JOHNSON, individually, on )  
behalf of all others similarly situated, )  
 )  
Plaintiffs, )

v. )

CLASS ACTION COMPLAINT

AMERICAN BROADCASTING COMPANIES, )  
INC., WARNER HORIZON TELEVISION, )  
INC., NEXT ENTERTAINMENT, INC., )  
NZK PRODUCTIONS, INC. and MICHAEL )  
FLEISS, )  
 )  
Defendants. )

Case No. 3:12-cv-00388

Judge Aleta A. Trauger

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**MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION FOR LEAVE TO FILE  
PHYSICAL EVIDENCE**

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This matter is before the Court on a motion filed by Defendants seeking leave to be allowed to file a physical copy of a Digital Video Disc, or DVD, in support of a Motion to Dismiss and Motion to Strike together with a Request For Judicial Notice, as an exception to the requirements of Local Rule 5.03.

The motion should be granted so that the Court can consider certain materials believed by Defendants to be judicially noticeable, to wit, the content of the television program referenced in the Complaint.

The DVD cannot be filed electronically, and the motion is unopposed – without any concession on the part of Plaintiffs that the materials are judicially noticeable.

I have been authorized to affix the electronic signature of Seth Pierce.

This 28<sup>th</sup> day of June 2012.

Respectfully submitted,

By: /s/ Seth E. Pierce

Adam Levin

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served this 28<sup>th</sup> day of June 2012, by filing the document pursuant to the Court's CM/ECF procedures, which includes electronic service upon the following:

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This 28<sup>th</sup> day of June 2012.

By: /s/ Shelby R. Grubbs